

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DONTE SHEPARD

PETITIONER

V.

CIVIL ACTION NO. 3:21-CV-758-DPJ-BWR

STATE OF MISSISSIPPI AND
BRAND HUFFMAN

RESPONDENTS

ORDER

On November 30, 2022, United States Magistrate Judge Bradley W. Rath entered a Report and Recommendation [22] recommending that the Court grant Respondents Motion to Dismiss [13] and dismiss this 28 U.S.C. § 2254 habeas case with prejudice as time-barred. Shepard failed to file an objection, and the time to do so under Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72(a)(3) has now expired. Having considered Judge Rath's unopposed Report and Recommendation, the Court finds no clear error and adopts it as its opinion. *See* Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). Respondents' Motion to Dismiss [13] is granted, and this case is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 21st day of December, 2022.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE